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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,639	03/10/2004	David O'Connor	2500495-991101

CONFIRMATION NO. 6690

## FORMALITIES LETTER



\*OC000000012798089\*

26379  
 GRAY CARY WARE & FREIDENRICH LLP  
 2000 UNIVERSITY AVENUE  
 E. PALO ALTO, CA 94303-2248

Date Mailed: 05/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/07/2004 HALI11 00000067 10798639

01 FC:2051

65.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2B.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid

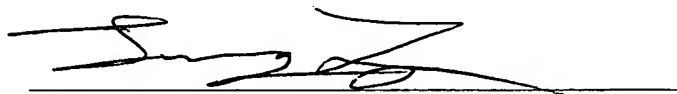
processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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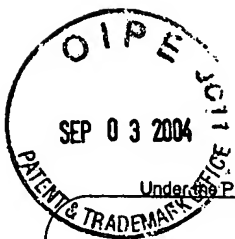
*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be "Sung", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/798,639
	Filing Date	March 10, 2004
	First Named Inventor	David O'Connor et al.
	Art Unit	1645
	Examiner Name	Unknown
Total Number of Pages in This Submission	Attorney Docket Number	2500495-991101

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Copy of orig Notice of Missing Parts (1 p); Declaration (3 pgs); Statement Under 37CFR w/Assignment docs (6p); Small Entity Stmt (3p);  Transmittal of Replacement Drawing with 1 drawing sheet; Check # <u>565580</u> for \$120.00; Certificate of First Class Mailing; and Return postcard.
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Or Individual name	Gray Cary Waff & Freidenrich LLP
Signature	<i>Michael T. Rosato</i>
Date	August 26, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Cathy Pittman		
Signature	<i>Cathy Pittman</i>	Date	August 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No.: 2500495-991101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David O'Connor et al.

Serial No. 10/798,639

Group Art Unit: 1645

Filed: March 10, 2004

Examiner: Unknown

Title: ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING,  
AND USES THEREOF

*I hereby certify that this correspondence is being deposited with  
the United States Postal Service with sufficient postage as First Class Mail  
in an envelope addressed to: Commissioner for Patents & Trademarks,  
Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450 on:*

August 27, 2004  
Date

\*\*\*

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts dated May 27, 2004, applicant  
hereby submits the following:

- (1) Transmittal Form (1 pg.);
- (2) Petition for Extension of Time (1 pg);
- (3) Response to Notice to File Missing Parts (2 pgs.);
- (4) Copy of Notice to File Missing Parts (2 pgs);
- (5) Declaration (3 pgs.);

- (6) Power of Attorney (1 pg);
- (7) Statement Under 37 CFR 3.73(b) w/copy of Assignment documents (6 pg);
- (8) Verified Statement Claiming Small Entity Status (3 pgs);
- (9) Submission of Replacement Drawing (1 pg);
- (10) One (1) replacement drawing sheet;
- (11) Fee Transmittal FY 2004;
- (12) Check No. 565530 for \$120.00;
- (13) Certificate of First Class Mailing (1 pg); and
- (14) Return postcard.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 07-1896.

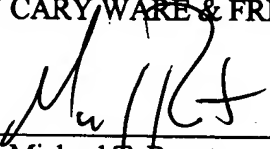
Please telephone the undersigned at (650) 833-2055, if there are any questions.

Respectfully submitted,

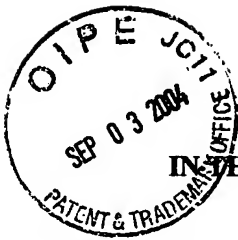
GRAY CARY WARE & FREIDENRICH LLP

Dated: August 26, 2004

By

  
Michael T. Rosato  
Attorney for Applicant  
Reg. No. 52,182

GRAY CARY WARE & FREIDENRICH LLP  
Attn: Patent Department  
2000 University Street  
East Palo Alto, CA 94303  
Telephone: (650) 833-2055  
Facsimile: (650) 833-2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David O'Connor et al.  
Serial No.: 10/798,639 Group Art Unit: 1645  
Filed: March 10, 2004 Examiner: Unknown  
Title: ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING,  
AND USES THEREOF

TRANSMITTAL OF REPLACEMENT DRAWING

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is one (1) replacement drawing sheet for the above-identified application which has been changed as a result of the Examiner's objection.

Please address all future communications regarding this application to:

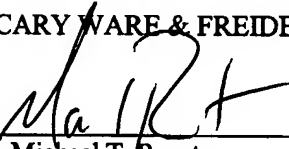
Michael T. Rosato  
GRAY CARY WARE & FREIDENRICH LLP  
2000 University Avenue  
East Palo Alto, CA 94303

Please direct all telephone calls to Michael T. Rosato at (206).839-4842.

Dated: August 26, 2004

GRAY CARY WARE & FREIDENRICH LLP

By

  
Michael T. Rosato  
Reg. No. 52,182  
Attorney for Applicant


GRAY CARY WARE & FREIDENRICH LLP  
ATTN: Patent Department  
2000 University Avenue  
East Palo Alto, CA 94303  
(650) 833-2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DATE OF DEPOSIT: August 27, 2004

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated above and is addressed to: Commissioner for Patents; Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cathy Pittman

\* \* \*

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

COMMISSIONER FOR PATENTS  
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P.O. Box 1450  
Alexandria, VA 22313-1450

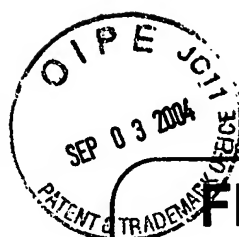
Sir:

Transmitted herewith for filing for:

U.S. Patent Application S/N: 10/798,639      Filed: March 10, 2004  
INVENTOR(s): David O'Connor et al.      Group Art Unit: 1645  
TITLE: ADDRESSABLE MICROARRAY DEVICE, METHODS OF  
MAKING, AND USES THEREOF

Enclosed are:

1. Transmittal Form (1 pg.);
2. Petition for Extension of Time (1 pg);
3. Response to Notice to File Missing Parts (2 pgs);
4. Copy of original Notice to File Missing Parts (2 pgs);
5. Declaration (3 pgs);
6. Power of Attorney (1 pg);
7. Statement Under 37 CFR 3.73(b) w/copy of Assignment documents (6 pgs);
8. Verified Statement Claiming Small Entity Status (3 pgs);
9. Transmittal of Replacement Drawing (1 pg);
10. One (1) replacement drawing sheet;
11. Fee Transmittal FY 2004 (1 pg);
12. Check # 565530 for \$120.00;
13. Certificate of First Class Mailing (1 pg.); and
14. Return Postcard;



# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 120.00

**Complete if Known**

Application Number	10/798,639
Filing Date	March 10, 2004
First Named Inventor	David O'Connor et al.
Examiner Name	Unknown
Art Unit	1645
Attorney Docket No.	2500495-991101

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

07-1896

Gray Cary Ware &amp; Freidenrich LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL(1) (\$)					0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					120.00

**SUBMITTED BY**

Name (Print/Type)	Michael T. Rosato	Registration No. (Attorney/Agent)	52,182	Telephone	206-839-4842
Signature		Date	August 26, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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www.USCourtForms.com